

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. CV 15-0767 JP/KBM

CR 13-1139 JP

ALBERTO SANCHEZ,

Defendant.

ORDER

This matter is before the Court, *sua sponte* under rule 4(b) of the Rules Governing Section 2255 Cases, on Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (CV Doc. 1; CR Doc. 65) and his Motion for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (CV Doc. 2; CR Doc. 66) ("IFP"). It appearing from the record that Defendant has previously been found indigent (CR Doc. 16) and the IFP motion is thus moot, and the Court being fully advised,

IT IS THEREFORE ORDERED that Defendant's Motion for Leave to Proceed Pursuant to 28 U.S.C. § 1915 (CV Doc. 2; CR Doc. 66) is DENIED as moot;

IT IS FURTHER ORDERED that the Clerk is directed to forward to the United States of America a copy of Defendant's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (CV Doc. 1; CR Doc. 65) and supporting papers and exhibits, if any, together with a copy of this Order;

IT IS FURTHER ORDERED that, within twenty-three days of entry of this Order, the United States answer Defendant's § 2255 motion.


UNITED STATES CHIEF MAGISTRATE JUDGE